

CONSOLIDATED CITY OF INDIANAPOLIS
COUNTY OF MARION

STATE OF INDIANA

EXECUTIVE ORDER NO. 4, 1991

DETERMINATION NOT TO LOAN MONEY TO COUNTY DEPARTMENT
OF PUBLIC WELFARE PURSUANT TO I.C. 12-1-11.5

WHEREAS, the Marion County Director of Public Welfare (the "Director") has determined that the welfare fund of Marion County, Indiana (the "County"), will be exhausted before the end of the fiscal year ending December 31, 1991; and

WHEREAS, the Director has appealed to the State Board of Public Welfare (the "Board") for the right to borrow Nine Million Seven Hundred Sixty-eight Thousand Dollars (\$9,768,000) on a short term basis to fund welfare services in the County; and

WHEREAS, in said appeal, the Director has shown: (i) that the amount of money contained in the welfare fund of the County will not be sufficient to fund services required to be provided within the County by IC 12-1; and (ii) that the Director estimates that Nine Million Seven Hundred Sixty-eight Thousand Dollars (\$9,768,000) will be needed to fund that deficit; and

WHEREAS, upon receipt of said appeal, the Board: (i) held a public hearing on the topic of whether the County should be allowed to borrow money, (ii) determined that the welfare fund of the County will be exhausted before it can fund all County obligations incurred under IC 12-1, (iii) adopted a resolution at that meeting supporting the proposal to borrow Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000), and (iv) transmitted said resolution to the Director; and

WHEREAS, upon receipt of said resolution, the Director submitted the appeal and the Board's resolution to the Mayor of the City of Indianapolis, Indiana (the "Mayor"); and

WHEREAS, IC 12-1-11.5 provides that should the Mayor grant said appeal, the subject monies shall be transferred from a county fund designated by the Mayor to the County welfare fund; and

WHEREAS, the Mayor has determined that there are insufficient monies in any County fund to appropriate for the purpose of funding the Department's County welfare obligations under IC 12-1; and

WHEREAS, upon receipt of said request, the Mayor now finds and determines that the loan requested by the County Department of Public Welfare (the "Department") should not be made, and that the appeal of the Department should not be granted;

NOW, THEREFORE, by virtue of the authority vested in me under IC 36-3-3-9 as successor at law to the Board of Commissioners of Marion County, it is hereby ordered as follows:

Section 1. I hereby find and determine not to loan the requested amount to the Department, and hereby find and determine that the appeal of the Department is not granted.

Section 2. I hereby submit the request of the Department to the Marion County Auditor (the "Auditor").

Section 3. I hereby find and determine that a necessity exists for the payment of the Department's County welfare obligations during the fiscal year ending December 31, 1991. The estimated unfunded cost of paying for the Department's County welfare obligations during the fiscal year ending December 31, 1991, will be in the amount of Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000), and the County will be required to provide and appropriate said amount for the payment of said obligations. I hereby recommend that Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000) be borrowed from a financial institution on behalf of the Department to pay the Department's County welfare obligations during the fiscal year ending December 31, 1991, including payment of costs of issuance of any notes evidencing such borrowing, and hereby recommend that notes (the "Notes") in the aggregate principal amount of Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000), bearing interest at a rate or rates not exceeding ten percent (10%) per annum (the exact rate to be determined by negotiation with a financial institution as determined by the Auditor) and maturing in two semi-annual series, one series being payable on June 30, 1992, in the amount of Four Million Eight Hundred Eighty Thousand Dollars (\$4,880,000), and the other series being payable on December 31, 1992, in the amount of Four Million Eight Hundred Eighty Thousand Dollars (\$4,880,000), be issued to evidence such borrowing, and recommend that the Notes be authorized by the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council"). I hereby request that the City-County Council authorize the issuance of the Notes and appropriate the proceeds thereof to pay for the Department's County welfare obligations during the fiscal year ending December 31, 1991, including payment of costs of issuance of the Notes.

Dated this 25th day of July, 1991.

MARION COUNTY, INDIANA

By: William H. Hudnut, III
William H. Hudnut, III
Mayor

APPROVED AS TO FORM AND LEGALITY:

By: Kristie L. Hill
Kristie L. Hill
Corporation Counsel